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Working Group on Enforced or Involuntary Disappearances

Communications, cases examined, observations and other activities conducted by the Working Group on Enforced or Involuntary Disappearances*

112th session (8-17 May 2017)

I. Introduction

1. The present document reflects the communications and cases examined and other activities carried out by the Working Group on Enforced or Involuntary Disappearances at its 112th session, held in Geneva.

II. Communications

2. Between its 111th and 112th sessions, the Working Group transmitted 68 cases under its urgent action procedure, to: Bahrain (2), China (1), Egypt (45), Malaysia (1), Pakistan (12), the Sudan (1), the Syrian Arab Republic (2), Turkey (1), Turkmenistan (1), Venezuela (Bolivarian Republic of) (1) and the State of Palestine (1).

3. At its 112th session, the Working Group decided to transmit 290 newly reported cases of enforced disappearance to 13 States. It clarified 21 cases, in Argentina (1), Bahrain (1), Bangladesh (1), Egypt (10), the Lao People's Democratic Republic (3), Nigeria (1), the Sudan (2), Turkey (1) and the State of Palestine (1). Fourteen cases were clarified on the basis of information provided by the Governments and seven on the basis of information provided by sources.

4. Between its 111th and 112th sessions, the Working Group also transmitted 16 communications jointly with other special procedure mechanisms: six urgent appeals, to China (2), the Democratic Republic of the Congo (1), Iran (Islamic Republic of) (1), Italy (1) and the United Arab Emirates (1); two joint allegation letters, to Algeria (1) and Turkey (1); four prompt intervention letters, to Egypt (1), El Salvador (1), Sri Lanka (1) and Uruguay (1); and four "other letters", to Bolivia (Plurinational State of) (1), Colombia (1) and Nigeria (1) and to the European Union (1).

5. Between its 111th and 112th sessions, the Working Group also transmitted an intersessional general allegation to Mexico. At its 112th session, the Working Group reviewed and adopted three general allegations, concerning Kenya, Mexico and Myanmar.

* The annexes to the present document are reproduced as received, in the languages of submission only.

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III. Other activities

6. At its 112th session, the Working Group met with relatives of victims of enforced disappearances, and with non-governmental organizations working on the issue. The Working Group also held formal meetings with representatives of the Governments of Japan and Portugal.

7. During its sessions, the Working Group discussed the annual report, the report on its country visit to Albania, the thematic report on enforced disappearances in the context of migration, and other internal matters and activities, including future visits.

IV. Information concerning enforced or involuntary disappearances in States reviewed by the Working Group during the session

Algeria

Joint allegation letter

8. On 31 March 2017, the Working Group transmitted, jointly with other special procedure mechanisms, a letter of allegation concerning the alleged arrest and detention of, and charges against, Rafik Belamrania, reportedly in reprisal for having published the decision of the Human Rights Committee concerning the enforced disappearance of his father.

Reply to joint urgent appeal

9. On 6 March 2017, the Government of Algeria transmitted a reply to the joint urgent appeal sent on 1 November 2016 concerning reports of arbitrary arrests and detentions following a peaceful assembly of relatives of disappeared persons. In its response the Government indicated that the gathering had been dispersed by the security services, and that there had been no arrest or detention of any demonstrator. It also explained that the intervention of the police force in the peaceful demonstration was related to the fact that the members of families of the disappeared who had participated in the protest outside the headquarters of the Governor of the Province of Constantine had done so without having obtained a permit. The Government concluded that the protestors had been investigated in accordance with legal procedures and released.[1]

Observations

10. The Working Group recalls article 13 (3) of the Declaration on the Protection of All Persons from Enforced Disappearance, in which it is stated that steps are to be taken to ensure that all involved in an investigation, including the complainant, counsel, witnesses and those conducting the investigation, are protected against ill-treatment, intimidation or reprisal. Furthermore, the Working Group recalls Human Rights Council resolution 7/12, in which the Council urged States to take steps to provide adequate protection to witnesses of enforced or involuntary disappearances, human rights defenders acting against enforced disappearances and the lawyers and families of disappeared persons against any intimidation or ill-treatment to which they might be subjected.

[1] See https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=49045.

Argentina

Clarification

11. On the basis of information previously provided by the Government, the Working Group decided to clarify one case following the expiry of the period prescribed by the six-month rule (see A/HRC/WGEID/110/1, para. 14).

Bahrain

Urgent action

12. On 4 May 2017, the Working Group, under its urgent action procedure, transmitted to the Government of Bahrain the case of Mahmood Isa Saleh Helal, allegedly abducted on 8 April 2017 at the entrance of Al-Hilal hospital in Muharraq, by agents of the State security agency.

13. On 22 May 2017, the Working Group, under its urgent action procedure, transmitted to the Government of Bahrain the case of Fadhel Sayed Abbas Hasan Radhi, allegedly arrested at his home in Manama, by officers of the criminal investigations directorate.

Clarification based on information from sources

14. On the basis of the information provided by sources, the Working Group decided to clarify the case of Mr. Helal. The individual was reportedly released from detention. This information was later confirmed by the Government.

Information from sources

15. A source provided updated information on one outstanding case, which was insufficient to clarify the case.

Bangladesh

Standard procedure

16. The Working Group transmitted two cases to the Government, concerning:

(a) Mohammad Akhter Hossain, allegedly arrested on 3 May 2016 in Birbiriapara, Pirgacha Upazila, Rangpur District, by a group of men dressed in civilian clothes who identified themselves as members of the detective branch of the police;

(b) S.M. Moajjem Hossain, allegedly abducted on 26 January 2016 from a house in the Bashundhara residential area in Dhaka, by armed men dressed in plain clothes who identified themselves as members of a law enforcement agency.

Clarification based on information from sources

17. On the basis of the information provided by sources, the Working Group decided to clarify the case of Humam Quader Chowdhury. The individual was reportedly released from detention.

Information from sources

18. A source provided updated information on one outstanding case, which was insufficient to clarify the case.

Information from the Government

19. On 13 March 2017, the Government of the United Kingdom of Great Britain and Northern Ireland provided information on one outstanding case under the records of Bangladesh. The information provided was considered insufficient to lead to a clarification.

Press release

20. On 24 February 2017, the Working Group issued a press statement calling on the Government of Bangladesh to halt the increasing number of enforced disappearances in the country.[1] The Working Group raised concerns about the increasing number of reported cases, including those in which the Rapid Action Battalion of the Bangladesh Police was indicated as being responsible for several disappearances and extrajudicial executions, notably of political opponents of the Government.

Bolivia (Plurinational State of)

Other letter

21. On 16 February 2017, the Working Group transmitted, jointly with four other special procedure mechanisms, a joint "other letter" welcoming the promulgation by the Legislative Assembly of the Plurinational State of Bolivia of Act No. 879 establishing a truth commission to clarify the murders, enforced disappearances, torture, arbitrary detention and sexual violence that took place in the country between 4 November 1964 and 10 October 1982.

Burundi

Standard procedure

22. The Working Group transmitted one case to the Government, concerning Jean-Pierre Ndayisaba, allegedly abducted on 3 May 2016 from neighbourhood VII, in the urban area of Ngara in Bujumbura, by an agent of the National Intelligence Service.

Information from sources

23. A source provided updated information on one outstanding case, which was insufficient to clarify the case.

Observation

24. The Working Group continues to be concerned about the situation of violence and instability in Burundi, which may facilitate the occurrence of enforced disappearances (see A/HRC/33/51, paras. 85-86). It recalls article 7 of the Declaration, which provides that no circumstances whatsoever may be invoked to justify enforced disappearances.

25. On 27 May 2009, the Working Group requested an invitation to undertake a visit to the country, and followed up on the request with several reminders. The Working Group regrets both the tone and the content of the reply received on 27 March 2017, in which the request was declined.

China

Urgent action

26. On 27 April 2017, the Working Group, under its urgent action procedure, transmitted to the Government the case of MingChe Li, allegedly detained by Chinese authorities after arriving at Gongbei Port from Macao, China on 19 March 2017.

Information from the Government

27. On 20 March 2016, the Government provided information on one outstanding case. The information provided was considered insufficient to lead to a clarification.

[1] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21220&LangID=E#sthashC1elu2wa.dpuf.

Joint urgent appeals

28. On 22 March 2017, the Working Group transmitted, jointly with two other special procedure mechanisms, a joint urgent appeal concerning allegations of arbitrary arrest, short-term disappearance, prolonged incommunicado detention and torture and other cruel, inhuman or degrading treatment relating to the detention of four human rights defenders and lawyers, in particular while under "residential surveillance at a designated location". The four alleged victims are Xie Yang, Li Heping, Wang Quanzhang and Jiang Tianyong. Concern was also expressed about the fact that the charges against them might be related to their activities as human rights defenders.

29. On 13 April 2017, the Working Group transmitted, jointly with three other special procedure mechanisms, a joint urgent appeal concerning the impending forced repatriation of 31 individuals from the Democratic People's Republic of Korea, who were under the custody of Chinese authorities in different prisons throughout the country. If returned to the Democratic People's Republic of Korea, these individuals would be at risk of suffering gross human rights violations, including imprisonment, forced labour and possibly enforced disappearance, as well as torture and other forms of cruel, inhuman and degrading treatment or punishment, in violation of the principle of non-refoulement.

Colombia

Information from the Government

30. On 13 February 2017, the Government of Colombia transmitted information concerning three outstanding cases. The information provided was considered insufficient to lead to a clarification.

Other letter

31. On 8 March 2017, the Working Group transmitted, jointly with another special procedure mechanism, a joint "other letter" concerning the legislative debate on the creation of a unit for the search of missing persons, envisaged as part of the comprehensive system of truth, justice, reparation and non-repetition agreed to under the peace process in Colombia.

Democratic People's Republic of Korea

Standard procedure

32. The Working Group transmitted 23 cases to the Government. A summary of these cases is included in annex II.

33. In accordance with the methods of work of the Working Group, the Government of the Republic of Korea and the Government of Japan also received a copy of the files of the cases involving their nationals.

Information from the Government

34. On 21 October 2016, the Government of the Democratic People's Republic of Korea transmitted information concerning 34 outstanding cases. The information provided was considered insufficient to lead to a clarification.

Observation

35. The Working Group remains concerned about the fact that the Government, instead of cooperating with the Working Group in relation to very serious allegations of grave and systematic enforced disappearances in the country, accuses it of being partial and being involved in an alleged political plot against the Democratic People's Republic of Korea. The Working Group would like to firmly reiterate that it operates with the highest levels of objectivity, independence and impartiality.

Democratic Republic of the Congo

Joint urgent appeal

36. On 5 May 2017, the Working Group transmitted, jointly with two other special procedure mechanisms, a joint urgent appeal concerning allegations of serious human rights violations, including against children, attributed to soldiers of the Armed Forces of the Democratic Republic of the Congo and other State actors, and to militia members from Kamuina Nsapu. These allegations include excessive use of force, summary or extrajudicial killings, abductions, enforced disappearances, and the burial of victims in mass graves and other unknown places. These violations would have taken place in the Kasai regions between January and March 2017.

Observation

37. The Working Group remains concerned about the situation in the Kasai regions. As of July 2017, 52 mass graves have reportedly been found. The Working Group urges the Government to conduct a serious investigation of the facts and to proceed to a prompt identification and exhumation of the bodies found in the mass graves. The Working Group also calls upon the Government to fulfil the obligations emanating from the Human Rights Council resolution 35/33), especially with respect to cooperation with the United Nations Joint Office for Human Rights in the country.

Egypt

Urgent action

38. The Working Group, under its urgent action procedure, transmitted 45 cases to the Government. A summary of these cases is included in annex I.

Standard procedure

39. The Working Group transmitted 19 cases to the Government under its standard procedure. A summary of these cases is included in annex II.

Clarification based on information from sources

40. On the basis of the information provided by sources, the Working Group decided to clarify the case of Ahmed Shawky Abdelsattar Mohamed Amasha. The individual is allegedly held at Tora Prison.

Information from sources

41. A source provided information on one outstanding case, which was insufficient to clarify the case.

Information from the Government

42. During the period under review, the Government transmitted information concerning 17 outstanding cases. On the basis of the information provided, the Working Group decided to apply the six-month rule to the 17 cases.

Clarification

43. On the basis of information previously provided by the Government, the Working Group decided to clarify nine cases following the expiry of the period prescribed by the six-month rule (see A/HRC/WGEID/110/1, para. 41).

Prompt intervention letter

44. On 3 May 2017, the Working Group transmitted, jointly with three other special procedure mechanisms, a prompt intervention letter concerning the abduction, detention, torture and ill-treatment of Ahmed Shawky Abdelsattar Mohamed Amasha, reportedly in

retaliation for his activities as a human rights defender, which included documenting cases of enforced disappearance for the special procedure mechanisms of the Human Rights Council.

Observation

45. The Working Group recalls article 13 (1) (3) and (5) of the Declaration, in which it is stated that each State is to ensure that any person having knowledge or a legitimate interest who alleges that a person has been subjected to enforced disappearance has the right to complain to a competent and independent State authority and to have that complaint promptly, thoroughly and impartially investigated by that authority; that steps are to be taken to ensure that all involved in the investigation, including the complainant, counsel, witnesses and those conducting the investigation, are protected against ill-treatment, intimidation or reprisal; and that steps are to be taken to ensure that any ill-treatment, intimidation or reprisal or any other form of interference on the occasion of the lodging of a complaint or during the investigation procedure is appropriately punished.

El Salvador

Prompt intervention letter

46. On 16 March 2017, the Working Group transmitted, jointly with other special procedure mechanisms, a prompt intervention letter concerning the alleged attacks and harassment against a woman human rights defender in El Salvador.

Gambia

Information from sources

47. A source provided updated information on one outstanding case, which was insufficient to clarify the case.

Greece

Information from the Government

48. On 29 March 2017, the Government of Greece transmitted information concerning one outstanding case. The information provided was considered insufficient to lead to a clarification.

Guyana

Information from sources

49. A source provided information on one outstanding case, which was insufficient to clarify the case.

Iran (Islamic Republic of)

Standard procedure

50. The Working Group transmitted one case to the Government, concerning Robert Alan Levinson, allegedly abducted from the lobby of a hotel on Kish Island, Islamic Republic of Iran, by Iranian security agents dressed in plain clothes.

51. In accordance with its methods of work, the Working Group transmitted a copy of the case files to the Government of the United States of America.

Information from the Government

52. On 9 February 2017, the Government of the Syrian Arab Republic provided information on one outstanding case under the records of the Islamic Republic of Iran. The information provided was considered insufficient to lead to a clarification.

53. On 10 February 2017, the Government of the Islamic Republic of Iran transmitted information concerning one outstanding case. On the basis of the information provided, the Working Group decided to apply the six-month rule.

54. On 5 May 2017, the Government of the Islamic Republic of Iran provided information on two outstanding cases. The information provided was considered insufficient to lead to a clarification.

Joint urgent appeal

55. On 5 April 2017, the Working Group transmitted, jointly with four other special procedure mechanisms, one urgent appeal concerning the arrest of Ehsan Mazandarani, a reformist journalist; Hengameh Shahidi, a reformist senior member of the Etemad-e Melli (National Trust) opposition party; Tahereh Riahi, the social affairs editor of the State-funded Borna News Agency; Zeinab Karimian, a producer for the State-run *Salam Khorshid* (Hello Sun) television show and former reporter for the official Islamic Republic News Agency; Mehrnaz Haghighi, a medical doctor and social activist; a 17-year-old ethnic Arab environmentalist; Morad Saghafi, the director of *Goftego* magazine and reformist researcher; Saleh Deldam, a film director and producer; Ali Heydarvalizadeh, the administrator of the Majma Eslahtalaban (Reformist's Forum); and Ali Ahmadnia, the administrator of Eslahtat News (Reform News). The communication included allegations that the fate and whereabouts of Ms. Haghighi, Mr. Heydarvalizadeh and Mr. Ahmadnia were unknown.

Italy

Joint urgent appeal

56. On 2 February 2017, the Working Group transmitted, jointly with four other special procedure mechanisms, one urgent action concerning the possible return of migrants, under the partnership framework under discussion between the Government of Italy and the Government of Libya, in violation of the principle of non-refoulement.

Reply to a joint urgent appeal

57. On 21 February 2017, the Government of Italy transmitted a reply to the joint urgent appeal sent on 2 February 2017. The reply includes information on the memorandum of understanding on cooperation in the area of development, the prevention of illegal immigration, human trafficking and smuggling, and the strengthening of border security between Libya and Italy, signed in Rome on 2 February 2017.[3]

Kenya

Press release

58. On 17 February 2017, the Working Group issued a press statement calling upon the Governments of Kenya and South Sudan to reveal the fate of two South Sudanese refugees who were abducted in Kenya in January 2017. The Working Group called upon the authorities in Kenya and South Sudan to guarantee the safety and protection of both individuals and afford protection to witnesses who could help establish their whereabouts.

[3] See https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=49139.

General allegation

59. The Working Group received information from credible sources alleging obstacles to implementing the Declaration in Kenya. The general allegation is reproduced in annex III.

Lao People's Democratic Republic

Clarification

60. On the basis of information previously provided by the Government, the Working Group decided to clarify three cases following the expiry of the period prescribed by the six-month rule (see A/HRC/WGEID/110/1, para. 64).

Libya

Standard procedure

61. The Working Group transmitted 10 cases to the Government, concerning:

(a) Suliaman Abul' Hafid, Nasser Abu Baker, Jum'a Younis, Hamad Abu Thahawi, Abdul-Allah Al Mabrouk, Abdul-Jalil al-Surimi, Abdul-Naser al-Sh'ar and Yousef al-Sa'di, allegedly disappeared on 29 June 1996 during the alleged mass killing at the prison of Abu Salim, Tripoli.

(b) Ali Suleiman Masood Abdel Sayed, allegedly abducted on 17 August 2016 near the Al-Gargarni gas station in Ain Zara by members of the 8th Security Division affiliated to the Ministry of the Interior of the Government of National Accord;

(c) Isaa Adel Issa Kaal, allegedly last seen on 11 May 2016 at the headquarters of the special forces affiliated with the Government of National Accord.

Information from the Government

62. On. 9 February 2017, the Government of the Sudan provided information on one outstanding case under the records of Libya. The information provided was considered insufficient to lead to a clarification.

Malaysia

63. On 17 May 2017, the Working Group transmitted, under its urgent action procedure, a case to the Government of Malaysia concerning Raymond Keng Joo Koh, allegedly abducted on 13 February 2017 in Petaling Jaya, Selangor State, Malaysia, by agents believed to belong to a State agency.

Mexico

Standard procedure

64. The Working Group transmitted a case to the Government of Mexico concerning Jonathan Alejandro Charles Velázquez, allegedly arrested on 5 October 2016 in the municipality of San Pedro Garza Garcia, Nuevo León, and taken to an unknown location by members of the police.

Information from sources

65. Three sources provided updated information on three outstanding cases; the information was insufficient to clarify the cases.

Information from the Government

66. On 17 February 2017, the Government of Mexico provided information on one outstanding case. The information provided was considered insufficient to lead to a clarification.

General allegations

67. The Working Group received information from credible sources alleging obstacles to implementing the Declaration in Mexico. On 10 April 2017, a general allegation was sent to Mexico alleging obstacles encountered by victims of enforced disappearance in gaining access to reparations and social assistance. On 9 June 2017, another general allegation was sent to Mexico alleging obstacles encountered by family members of victims of enforced disappearance in locating their loved ones. Both general allegations are reproduced in annex III.

Morocco

Standard procedure

68. The Working Group transmitted 30 cases to the Government. A summary of these cases is included in annex II.

69. In accordance with its methods of work, the Working Group transmitted a copy of four of these cases to the Government of Spain.

Mozambique

Information from sources

70. A source provided information on one outstanding case, which was insufficient to clarify the case.

Information from the Government

71. On 17 May 2017, the Government of Portugal provided information on one outstanding case under the records of Mozambique. The information provided was considered insufficient to lead to a clarification.

Myanmar

General allegation

72. The Working Group received information from credible sources alleging obstacles to implementing the Declaration in Myanmar. The general allegation is reproduced in annex III.

Observations

73. The Working Group is concerned at the consistent and reliable reports of grave and systematic human rights violations in Rakhine State, including enforced disappearances. It emphasizes that, as stipulated in article 2 of the Declaration, no State is to practise, permit or tolerate enforced disappearances and that, in accordance with article 7 of the Declaration, no circumstances whatsoever may be invoked to justify enforced disappearances.

Nigeria

Clarification based on information from sources

74. On the basis of the information provided by sources, the Working Group decided to clarify the case of Sunday Chucks Obasi. The individual was reportedly released from detention.

Other letter

75. On 27 April 2017, the Working Group transmitted, jointly with six other special procedure mechanisms, a joint "other letter" concerning the White Paper on the report of the Judicial Commission of Inquiry into the clashes between the Islamic Movement of Nigeria and the Nigerian Army in Zaria, Kaduna State, between 12 and 14 December 2015, issued on 5 December 2016.

Pakistan

Urgent action

76. During the period under review, the Working Group transmitted 12 cases under its urgent action procedure to the Government, concerning:

(a) Imran Pasha Abdul Majeed Pasha, allegedly abducted on 13 January 2017 from a local mosque in Karachi, by paramilitary rangers dressed in civilian clothes;

(b) Sheikh Jamal Abdul Ghafoor, allegedly abducted on 17 January 2017 from his residence in Karachi, by paramilitary rangers dressed in official uniforms and persons wearing civilian clothes;

(c) Nafees Ahmed Siddiqui Zaheer Ahmed Siddiqui, allegedly abducted on 18 January 2017 from his residence in Karachi, by paramilitary rangers dressed in official uniforms and persons wearing civilian clothes;

(d) Mohammad Ijaz Aslam Deen, allegedly abducted on 17 January 2017 from his residence in Karachi, by paramilitary rangers dressed in official uniforms and persons wearing civilian clothes;

(e) Fazl-e-Rabi Fazl-e-Rabi, allegedly arrested on 7 February 2017 by members of the army, the Frontier Corps and the local police when they jointly conducted a raid at his home;

(f) Hafeezullah Hafeezullah, allegedly arrested on 13 December 2016 at the Sidgai staging camp, in Khyber Pakhtunkhwa, by army personnel from the 21 Sindh Division;

(g) Kashif Kashif, allegedly abducted on 2 February 2017 at a local market in Tehsil Jamrud, by men in Frontier Corps uniforms;

(h) Khamadan Khan, allegedly disappeared on 16 December 2016 after leaving his home to go to the office of military intelligence in Ghallanai, where he had been summoned;

(i) Tofique Abro, allegedly abducted on 25 April 2017 at the Dadu bypass road in Sindh, by ranger forces and policemen dressed in plain clothes;

(j) Muhammad Farooq Muhammad Ashraf, allegedly abducted on 8 May 2017 from his home in Karachi, by paramilitary rangers and policemen dressed in official uniforms;

(k) Syed Shiraz Ali Syed Zahid Ali Hashmi, allegedly abducted on 9 May 2017 from his home in Karachi, by paramilitary rangers and policemen dressed in official uniforms;

(l) Sajid Ali Mohammad Ali, allegedly abducted on 14 May 2017 from his home in Karachi, by paramilitary rangers and policemen dressed in official uniforms.

Standard procedure

77. The Working Group transmitted 40 cases to the Government. A summary of these cases is included in annex II.

78. In accordance with the methods of work of the Working Group, the Government of Qatar received a copy of the files of a case involving a national of Qatar.

Information provided by sources

79. A source provided updated information on two outstanding cases, which was insufficient to clarify the cases.

Information from the Government

80. On 17 February 2017, the Government transmitted information concerning 133 outstanding cases. On the basis of the information provided, the Working Group decided to apply the six-month rule to 109 cases. The information provided for the remaining 24 cases was considered insufficient to lead to a clarification.

Peru

Information from the Government

81. On 11 April 2017, the Government transmitted information concerning three outstanding cases. The information provided was considered insufficient to lead to a clarification.

Russian Federation

Standard procedure

82. The Working Group transmitted 106 cases to the Government of the Russian Federation, concerning the following persons (whose date of alleged disappearance is given in parentheses), allegedly abducted by Russian military forces in Chechnya:

- Abdul Demelkhanov (28 March 2004)
- Abdul Yusupov (22 January 2003)
- Abdullakh Zanzievm (5 October 2000)
- Abdulvakhid Bukhadiev (31 March 1995)
- Adam Djamullaev (4 February 1995)
- Ali Shaipov (21 August 2003)
- Ali Shakhmirzaev (24 April 2000)
- Alikhan Magiev (5 April 2003)
- Alikhan Sapiev (26 December 2002)
- Amja Ymarova (15 July 2003)
- Andarbek Nazirov (5 January 1995)
- Anvar Shaipov (13 September 2000)
- Anzor Novryzov (8 December 2004)
- Anzor Yakhyaev (17 March 2003)
- Artur Bersunkaev (13 June 2001)
- Aset Yakhtyaeva (7 November 2001)
- Askhab Galaydinov (17 January 2003)

- Aslambek Bimurzaev (31 March 1995)
- Aslambek Ilyasov (6 November 2002)
- Aslan Idrisov (5 April 2003)
- Aslanbek Astamirov (5 August 2002)
- Ayub Elmyrzaev (29 July 2002)
- Ayub Ezerbiev (1 November 2002)
- Bashrudin Abazov (22 February 2003)
- Bai-Ali Bagiev (17 October 2000)
- Bakar Khytiev (27 October 2004)
- Bamat-Giri Chadaev (12 April 2006)
- Beckhan Borgaev (14 January 2001)
- Beslan Baisultanov (7 May 2000)
- Bislan Shabazgireev (1 November 2002)
- Damkhad Mysaev (30 November 2002)
- Emil Viskhanov (18 September 2000)
- Gairbek Shovkhalov (19 April 2001)
- German Abyev (16 June 2002)
- Guisum Tashykhadjiev (19 June 2003)
- Ibragim Betaev (26 April 2003)
- Ibragim Eljurkaev (2 April 2003)
- Ibragim Yryskhanov (12 April 2002)
- Idris Ylybaev (9 February 2003)
- Iliyas Yakhyaev (29 March 2003)
- Imran Khamadov (28 January 2000)
- Isa Bechyrkaev (18 May 2000)
- Islam Gelgaev (31 December 1994)
- Islam Murtazaliev (25 November 2002)
- Ismail Eljurkaev (2 April 2003)
- Jandar Amaev (24 November 2002)
- Kazbek Vakhaev (1 August 2000)
- Khamzat Alimkhanov (25 January 2001)
- Khasan Khakimov (22 March 2002)
- Larisa Makueva (1 February 2000)
- Lechi Betaev (26 April 2003)
- Lema Shavanov (18 February 2001)
- Magomed Asykhanov (10 June 2002)
- Magomed Edilov (9 December 2001)
- Magomed Khambulatov (10 January 2003)
- Magomed Ymanov (29 May 2005)
- Mair-Ali Shavanov (18 February 2001)

- Makhmyt Inkhadjiev (24 January 2002)
- Mikail Khachykaev (26 June 2002)
- Milana Betilgirieva (7 November 2001)
- Mohamed Khasiev (29 July 2002)
- Movladi Dayev (29 May 2002)
- Muslim Abzailov (6 July 2003)
- Mykhmad Varaev (28 December 2004)
- Mysa Bamatgiriev (15 March 2005)
- Mysa Elmurzaev (27 January 2003)
- Myslim Bachaev (11 January 2000)
- Ramzan Bibaligov (28 December 1999)
- Ramzan Shakhgiriev (10 April 2003)
- Rizvan Elsaev (22 January 1995)
- Ruslan Adamov (16 July 2001)
- Ruslan Bekaev (31 December 2001)
- Ruslan Edilsultanov (13 April 2003)
- Ruslan Mysaev (17 September 2000)
- Ruslanbek Vakhaev (5 October 2001)
- Rustam Shakhgareev (16 July 2003)
- Said Alyev (9 June 2002)
- Said-Khysein Baitykaev (8 January 2001)
- Said-Mykhmad Vakhaev (1 June 2001)
- Said-Selim Benyev (24 November 2002)
- Saikhan Vazaev (8 October 2002)
- Saipydin Dagiev (2 August 1995)
- Salekh Yakhyaev (17 March 2003)
- Salam Shalaev (9 October 2001)
- Shami Ismailov (3 January 1995)
- Shamsa Magomadov (9 January 1995)
- Sherip Ismailov (3 January 1995)
- Sultan Bataev (23 December 2004)
- Sultan Chakalaev (6 January 2003)
- Sultan Chalaev (17 January 2000)
- Sylambek Yasmov (3 May 2003)
- Sylman Elmurzaev (2 April 2005)
- Sylman Shaikhaev (17 September 2002)
- Sypian Adamov (16 July 2001)
- Timerlan Cholaev (12 October 2001)
- Timur Beksultanov (2 October 2004)
- Timur Shakhmyradov (5 May 2005)

- Timur Shamyratov (22 January 2002)
- Turpal-Ali Yandiev (19 June 2003)
- Visit Askhabov (12 March 2001)
- Visit Abdulkadyrov (26 April 2002)
- Visit Bulgariev (24 October 2002)
- Ymar Alpyev (15 March 1995)
- Zaur Beliaboy (9 May 2002)
- Zelimkhan Khamzokhanov (5 December 2012)
- Ziyavdi Yemurov (28 January 2003)

Spain

Information from sources

83. Sources provided information on one outstanding case, which was insufficient to clarify the case.

Sri Lanka

Standard procedure

84. The Working Group transmitted 36 cases to the Government. A summary of these cases is included in annex II.

Prompt intervention letter

85. On 23 March 2017, the Working Group transmitted, jointly with two other special procedure mechanisms, a prompt intervention letter concerning alleged acts of intimidation and reprisals against members of a non-governmental organization.

Sudan

Urgent action

86. On 16 March 2017, the Working Group transmitted, under its urgent action procedure, a case to the Government of the Sudan, concerning Hafiz Eldouma Abdelgadir Idriss, allegedly last seen at the federal Kober prison in Khartoum North at the end of January 2017. The case was later clarified (see para. 87 below).

Clarification based on information from sources

87. On the basis of the information provided by sources, the Working Group decided to clarify two cases, concerning:

(a) Ibrahim Adam Mudawi, who is allegedly held at the Kober prison in Khartoum North;

(b) Mr. Idriss, who is allegedly held at the State security facility in Khartoum.

Syrian Arab Republic

Urgent action

88. On 8 February 2017, the Working Group, under its urgent action procedure, transmitted to the Government the case of Abdulhadi Kamel, allegedly last seen on 16 December 2016 at a checkpoint in western Aleppo near Ramouseh neighbourhood, controlled by Syrian governmental forces.

89. On 28 April 2017, the Working Group, under its urgent action procedure, transmitted to the Government the case of Mazen Albeek, allegedly last seen at Sednaya prison on 20 February 2017.

Standard procedure

90. The Working Group transmitted 11 cases to the Government, concerning:

(a) Khalid Zain, allegedly arrested on 9 July 2011 in a shop located in Karam al-Jouz Street, Al-Sukkari neighborhood, Aleppo, by military forces;

(b) Hani Alallosh, allegedly arrested on 28 June 2013 in Lattakia, by agents of the State security branch;

(c) Mazen Ali Hamoush, allegedly arrested on 9 June 2013 at the Al-Jemailiyeh Police Department, in Aleppo, by armed individuals;

(d) Abdallah Zain, allegedly arrested on 16 August 2012 in Damascus by members of the Popular Committee, a militia allegedly merged into the national defence force of the Syrian army;

(e) Fadhil Othman, allegedly arrested on 21 October 2012 near the checkpoint of Dhabanah, on the road to the town of Tal-Hamis, by armed members of the military security force;

(f) Anas al-Husseini, allegedly arrested on 13 December 2012 in Damascus, by officers pertaining to the 40th branch of the State security forces, also known as the "anti-terrorism" branch.

(g) Mohammad Zain, allegedly arrested on 16 August 2012 at the headquarters of the MTN mobile telecommunications company, in the Al-Jamila neighbourhood of Aleppo, by members of the Popular Committee;

(h) Abdel Hakim Bakkar, allegedly arrested on 26 November 2011 at his home in Al-Budwaidah al-Sharqiyah, Homs, by members of the Syrian army and security forces;

(i) Khaled Taha, allegedly arrested on 11 October 2012 at his workplace at Damascus International Airport, by armed individuals from the airforce security forces;

(j) Mansour Mansour, allegedly arrested on 28 July 2012 in Damascus, by members of the Syrian army and security forces;

(k) Mostoo Ali, allegedly arrested on 8 April 2012 at the Al-Shaghour checkpoint in Idlib, by members of the Syrian army and security forces.

Information from sources

91. Sources provided information on two outstanding cases, which was insufficient to clarify the cases.

Information from the Government

92. On 9 February 2017, the Government provided information on nine outstanding cases. On the basis of the information provided, the Working Group decided to apply the six-month rule to one case. The information provided for the other eight cases was considered insufficient to lead to a clarification.

Tunisia

Standard procedure

93. The Working Group transmitted 10 cases to the Government, concerning Skender Djallel, Amar Djefaflia, Amar Djallel, Amar Benbekai, Belabed Merouan, Kasmi Amar, Bouasla Rabah, Redouane Jezzar, Saadoun Ahmed and Boumenjel Zakaria. The 10 individuals allegedly disappeared on 17 April 2007 in the territorial waters of Tunisia on their way to Italy.

94. In accordance with its methods of work, on 9 June 2017 the Working Group transmitted a copy of the case files to the Governments of Algeria and of Italy, as well as to the European Border and Coast Guard Agency (Frontex), as during that period there were joint measures in the region mobilized by Frontex as well as by the Algerian, Italian and Tunisian authorities.

Turkey

Urgent action

95. On 24 April 2017, the Working Group transmitted, under its urgent action procedure, a case to the Government of Turkey concerning Turgut Capan, allegedly last seen at the Sentepe/Yenimahalle bus stop on 31 March 2017, and suspected to be detained by the Turkish authorities.

Information from the Government

96. On 1 April 2017, the Government of Turkey provided information on 15 outstanding cases. The information provided was considered insufficient to lead to a clarification.

Clarification

97. On the basis of information previously provided by the Government, the Working Group decided to clarify one case following the expiry of the period prescribed by the six-month rule (see A/HRC/WGEID/110/1, para. 126).

Joint urgent appeal

98. On 10 April 2017, the Working Group transmitted, jointly with eight other special procedure mechanisms, a joint urgent appeal concerning alleged raids on and destruction of houses, surveillance of residents, deprivation of access to food, safe drinking water and sanitation and health services, arbitrary arrest and detention, torture and ill-treatment, enforced disappearance, and killings in the context of security operations in the Omerli, Nusaybin and Artuklu districts of Mardin Province in southeast Turkey.

Turkmenistan

Urgent action

99. On 27 April 2017, the Working Group transmitted, under its urgent action procedure, a case to the Government of Turkmenistan concerning Annamurad Atdaev, allegedly disappeared in late January 2017 from the penal colony in Tedzhen, Ahal Province, Turkmenistan.

Information from sources

100. Sources provided information on one outstanding case, which was insufficient to clarify the case.

United Arab Emirates

Joint urgent appeal

101. On 27 March 2017, the Working Group transmitted, jointly with six other special procedure mechanisms, a joint urgent appeal concerning the arrest, secret detention and risk of enforced disappearance of Ahmed Mansoor, a prominent human rights defender and blogger in the United Arab Emirates.

Press release

102. On 28 March 2017, the Working Group issued a press statement calling upon the Government of the United Arab Emirates to immediately release Mr. Mansoor, who had been arrested on 20 March 2017. The Working Group urged the authorities to immediately reveal the whereabouts of Mr. Mansoor, stressing that secret detention was a form of enforced disappearance.

Reply to a joint urgent appeal

103. On 25 April 2017, the Government of the United Arab Emirates transmitted a reply to the joint urgent appeal sent on 27 March 2017. The reply includes information provided by the office of the public prosecutor concerning cybercrime, which reported that Mr. Mansoor had been arrested on 20 March 2017 on the charge of circulating false and misleading information on the Internet with a view to spreading hatred and sectarianism. Mr. Mansoor had been informed of the charges and placed in pretrial detention in the central prison inAbu Dhabi. He had reportedly been allowed to appoint a lawyer and his family was allowed to visit him, in accordance with the procedures applicable to detention facilities.

Observation

104. The Working Group recalls article 13 (3) and (5) of the Declaration, in which it is stated that steps are to be taken to ensure that all involved in the investigation, including the complainant, counsel, witnesses and those conducting the investigation, are protected against ill-treatment, intimidation or reprisal; and that steps are to be taken to ensure that any ill-treatment, intimidation or reprisal or any other form of interference on the occasion of the lodging of a complaint or during the investigation procedure is appropriately punished.

Uruguay

Prompt intervention letter

105. On 8 May 2017, the Working Group transmitted, jointly with five other special procedure mechanisms, a prompt intervention letter concerning the alleged threats against Louis Joinet and Pablo Chargoñia and against another 11 persons involved in the promotion of human rights and the fight against impunity in Uruguay.

Uzbekistan

Information from the Government

106. On 17 March 2017, the Government transmitted information regarding seven outstanding cases. The information provided was considered insufficient to lead to a clarification.

Venezuela (Bolivarian Republic of)

Urgent action

107. On 28 April 2017, the Working Group transmitted, under its urgent action procedure, a case to the Government of the Bolivarian Republic of Venezuela concerning Ángel Omar Vivas Perdomo, allegedly detained at his home on 7 April 2017 by a commando-type group of the Bolivarian National Intelligence Service.

Information from sources

108. Sources provided information on two outstanding cases, which was insufficient to clarify the cases.

Information from the Government

109. On 11 April 2017, the Government of the Bolivarian Republic of Venezuela transmitted information regarding 14 outstanding cases. The information provided was considered insufficient to lead to a clarification.

State of Palestine

Urgent action

110. On 16 February 2017, the Working Group transmitted, under its urgent action procedure, a case to the Government of the State of Palestine concerning Imad Abou Rizk, allegedly abducted on 12 February 2017 at the Jericho hospital, by members of the Palestinian military intelligence services. The case was later clarified (see para. 111 below).

Clarification based on information from sources

111. On the basis of the information provided by sources, the Working Group decided to clarify the case of Mr. Rizk. The individual was reportedly released from detention.

Annex I

Urgent actions

Egypt

The Working Group, following its urgent action procedure, transmitted 45 cases to the Government concerning:

(a) Abdelkarim Omar Talat Mahmoud, allegedly abducted on 11 January 2017, from a hospital in El Mohandeseen district, by the Egyptian police officers;

(b) Abdulrahman Mohamed Ibrahim Al Bih, allegedly arrested on 15 November 2016 in the shopping area of Nasr city, Cairo, by State Security agents;

(c) Ahmed Sameh Mohamed Ahmed Mansour, allegedly arrested on 17 December 2016 close to the University of Cairo, on Al Mokhaym Al Daem road, Nasr City, by National Security agents;

(d) Mohamad Jomaa Youssef Abdullah Zahra, allegedly abducted on 26 December 2016 from his home in Mahdeyah, Markaz Hehya, Ash Sharqia Governorate, by State Security officers,

(e) Ahmed Fawzy Ahmed Hafez Marzouq, allegedly arrested on 2 January 2017 at his home in Al Sabayah Village, Al Brolos Station, As Sahel Al Qebli, Governorate of Kafr El Sheikh, by policemen in uniforms and several men in civilian clothing;

(f) Zaïd Mohamed Ahmed Ahmed Al Bana, allegedly arrested on 11 January 2017 in front of Al Borg High school on Al Borg Way, Al Burj Al Burlos, Kafr El Sheikh Governorate, by National Security forces and Police agents;

(g) Ahmed Seif Al Islam Mostafa Mostafa Mostafa Kamoun, allegedly arrested on 12 January 2017 in front of the Higher Institute for Engineering and Technology, by a group of State Security agents in plainclothes;

(h) Ahmed Mohamed Ahmed Attia, allegedly abducted on 27 December 2016 from his home in Al Bakhama District, Sobeeh Village, Zakazik, Sharqia Governorate, Egypt, by police officers;

(i) Yousri Kamal Mohamed Abdallah, allegedly arrested on 22 December 2016 at his home at 30A Ahmed Esmat Street, Ain Shams Sharkeya, Cairo Governorate, by security agents in plainclothes and police forces in uniforms.

(j) Mostafa Morsi Khafagi, alledgedly arrested on 17 December 2016 in front of the faculty Union at Saray Gharbiya by individuals believed to be State security agents, in civilian clothes;

(k) Ibrahim Rajab Ibrahim Arafat, allegedly arrested on 21 December 2016 at a checkpoint in Kafr Abu Hussen, Zagazig, Sharqia by police security agents;

(l) Mohamed Fawzy Abo Al Gheet Al Tahan, allegedly arrested 30 December 2016 in Baltym by six individuals wearing civilian clothes, who presented themselves as investigators;

(m) Nasser Mohamed Zaki Mohamed, allegedly arrested on 7 February 2017 at Nile Corniche Street, in Cairo, by police and national security forces in civilian clothes;

(n) Mohamed Ali Brahem Mahmoud, allegedly arrested on 14 February 2017 at his house in Al Azhar hospital street, Cairo, by police and national security forces in civilian clothes;

(o) Mahmoud Ahmed Abdul Mawla Shaoot, allegedly abducted on 7 February 2017 from a shop in Rasheed City by police officers from Rasheed Police Station;

(p) Ahmed Shawky Abdelsattar Mohamed Amasha, allegedly abducted on 10 March 2017 at a police checkpoint of Nasr City, neighbourhood of Cairo, by police officers.;

(q) Omar Mohamed Abd-Alwahed, allegedly arrested on 26 December 2016 at the student residence where he was living in 10th Ramadan city, by police officers and national security forces;

(r) Al-Said Mohamed Mohamed Ibrahem Dosoki allegedly arrested on 30 December 2016 at his home in Sobeeh village by police officers and national security officials;

(s) Belal Mohamed Morsy Mehanna allegedly abducted on 6 January 2017 from his home by police officers and national security officials;

(t) Ali Ragabahmed Mohamed Saleh, allegedly abducted on 23 February 2017 from his residence by police officers and national security officials;

(u) Ezzat Alsaid Abd-Alfattah Abo Golwa, allegedly abducted on 23 February 2017 from his family residence in Alshohadaa Centre, Al-Monfeya Governorate, by officers of the national security forces and the special police;

(v) Magdy Abd-Alhalim Mohamed Zaid, allegedly abducted on 28 February 2017 from his workplace by police officers and national security officials;

(w) Mohamed Mohamed Al Morsy Al Sayad, allegedly abducted on 13 March 2017 from his house by Police and National Security agents;

(x) Ahmed Abdelazeem Mohamed, allegedly abducted on 15 February 2017 on the road to Cairo by security agents;

(y) Adel Asobky, allegedly abducted on 25 February 2017 from the police security office of Garbia, by police officers in plainclothes;

(z) Asadat Abderahim Abdessalam Karim Edine, allegedly abducted on 25 February 2017 in the new city of Damietta by security agents in plainclothes;

(aa) Ragab Mohamed Aly Mohamed El gidaway, allegedly abducted on 13 March 2017 in Cairo by police and National security forces;

(bb) Sahl Abdul Basir Mohammed Tarab, allegedly abducted on 28 February 2017 from his residence in Kafr Al Marazqah, Qallin, Kafr El Sheikh Governorate by police and national security forces;

(cc) Walid Kamal Muhammad Hassanin Al-Bahnacy, allegedly abducted on 1 March 2017 from his home in Arab-El-Raml by Police and National Security officers from the Quwaisena Centre, State of Munufiyyah;

(dd) Yusuf Yusuf Yusuf Yusuf Al-Atawey, allegedly abducted on 28 March 2017 from the street in Al-Basarta by police and national security forces;

(ee) Naem Shalaby Yusuf Mahfouz, allegedly abducted on 28 March 2017 in front of his home of Al-Basarta, Damietta by police and national security forces;

(ff) Muhammed Kamal Muhammed Mandour, allegedly abducted on 16 March 2017 from his apartment at the Fifth district, Al-Obour city, Cairo, by police and national security forces;

(gg) Hamdy Ahmed Muhammed Hassan, allegedly arrested on 28 March 2017 from his residence in the Faisal District of Giza Governorate by members of the police and national security forces;

(hh) Ahmed Abdul Moneim Mohamed Abdul Ghani Zahran, allegedly arrested on 16 March 2017 at his workplace at the Adamayar Advertising Center, fifth settlement of Nasr city, by members of the police and national security forces;

(ii) Mohamed Abdel Maksoud Mohamed El Khayiat, allegedly abducted on 9 April 2017 from his apartment in Lasipher Desouk Center, Kafr el Sheikh Governorate by police and national security forces;

(jj) Ammar Yasser Mostafa Ahmed Helal, allegedly abducted on 8 April 2017 from his apartment in Hamza bin Abdel Motteleb Street, Hanouvil 20 Aldaraysa, Alexandria, by police and national security forces;

(kk) Ahmad Lotfi Ahmad Zaghlool, allegedly abducted on 4 April 2017 from the street in New Damietta by police officers belonging to the Homeland Security Department;

(ll) Refa'at Refa'at Muhammad Abu Ghazala, allegedly abducted on 4 April 2017 from the train on his way to Bani Sweif by police officers;

(mm) Moaaz Bellah Khaled Fayyad Mohamed, allegedly abducted on 7 April 2017 from his residence in Safur village, Markaz Dairab Negm, province of Sharqia, by police officers from Sharqia, national security officers and soldiers;

(nn) Saad Saad Ali Abdallah Khaled, allegedly abducted 24 April 2017 from his apartment in New Damietta, Damietta Governorate, by national security and police forces;

(oo) Alaa Ahmed Abd-Alkhaleq Said Ahmed Zazoa, allegedly abducted on 20 April 2017, from Al-Maadi, Nile Cornice, by police officers and national security forces;

(pp) Ahmed Abd-Allatif Ahmed Ali Ali, allegedly arrested 26 April 2017at Borg Al-Arab airport in Alexandria by Airport security and National Security Forces in plainclothes.

(qq) Belal Atef Khalid Azzayyat, allegedly abducted on 16 April 2017, from a relative's house in Damietta by police and national security forces

(rr) Hassan Hassan Khalid Azzayyat and Muhammad Hammad Abdul-Ghani Saleem, allegedly abducted together on 4 April 2017 in a flat of Cairo, by special forces of the police;

Annex II

Standard procedure cases

Democratic People's Republic of Korea

1. The Working Group transmitted 23 cases to the Government, concerning:

(a) Baek Beom-gi, allegedly abducted from his house in Seoul on 18 September 1950, by the head of the Mincheong Committee and an agent from the Department of Internal Affairs.

(b) Kim Gyeong-hee, allegedly abducted from his house in Seoul on 28 July 1950, by the head of the Mincheong Committee, and an agent from the Department of internal Affairs.

(c) Kim Jae-bong, allegedly kidnapped on 20 August 1950 by North Korean soldiers.

(d) Kim Jeong-Dae, allegedly taken from his house in August 1950, by soldiers of the North Korean People's Army.

(e) Kim Ju-hyeon, allegedly arrested from his house in Ganghwa-gun on 17 September 1950, by soldiers of the North Korean People's Army.

(f) Kim Ki-Jeong, allegedly abducted from his home in Seoul in September 1950, by officers from the Internal Bureau.

(g) Kim Myeong-hyeok, allegedly abducted by members of the North Korean People's Army in mid-August 1950.

(h) Kim Yu-Yon, allegedly arrested from his home on 23 August 1950, by agents from the political Security Bureau.

(i) Kim Wu-jong, allegedly arrested from his workplace on 4 August 1950, by armed North Korean soldiers.

(j) Kim Wu-soon, allegedly abducted on 3 September 1950 by agents of the Security Bureau.

(k) Kwon Tae-sul, allegedly arrested on 8 August 1950, by an agent from the political Security Bureau and an armed soldier.

(l) Lee Jae-Gwan, allegedly arrested at his workplace in July 1950, by an officer of the Department of Internal Affairs.

(m) Lee Bong-woo, allegedly abducted on 21 August 1950, by members of the Political Bureau.

(n) Lee Chae-deok, allegedly detained in July 1950 by five men from the North Korean Army.

(o) Lee Gil-yong, allegedly abducted on 17 July 1950, by agents of the North Korean Political Security Bureau.

(p) Oh Heon-sik, allegedly abducted from his home on 1 August 1950, by two agents presumably from the Political Security Department or the Department of Internal Affairs.

(q) Seo Byeong-ho, allegedly abducted on 14 July 1950, by policemen from the North Korean regime.

(r) Yun Tae Kyong, allegedly abducted on 1 September 1950, by two persons believed to have links with the North Korean regime.

(s) Kim Kun Il, a Japanese national allegedly arrested from his home in October 1982, by agents of the National Security Agency.

(t) Hye Kyung allegedly arrested in early October 1997, by agents of the National Security Agency.

(u) Kim Jang Ho allegedly arrested from his home in July 1996, by the Hoiryung City Security Agency.

(v) Lee Ho Rim, allegedly arrested from his home in July or August 1980, by agents from the National Security Agency.

(w) Young Nam Park, allegedly arrested in August 2002, by agents of the National Security Agency.

2. In accordance with the methods of work of the Working Group, the Government of the Republic of Korea received a copy of the files of the cases involving nationals of the Republic of Korea.

Egypt

3. The Working Group transmitted 19 cases to the Government, concerning:

(a) Yehia Mansour Ahmed EL Sharkawy, allegedly arrested on 9 July 2016 when he was travelling from Cairo to Aswan, by police officers;

(b) Fakhr El Din Youssef Zaki Abou El Azm, allegedly abducted on 9 June 2016 outside the hospital of 6th October university, by police officers;

(c) Ahmed Ramadan Abdel Salem El Ansary, allegedly abducted on 1 of July 2016 from his house in 15 Awlad el Sagheir street, Imbabah, Giza, by national security investigation forces;

(d) Mohamed Mostafa Mohamed Mohamed, allegedly arrested on 29 July 2016 from his apartment in a student residence in Al Zaria, El Hamra, by police forces in civilian clothes;

(e) Taher Ahmed Gamal El Dein Mohamed, allegedly abducted on on 21 September 2016 in an ambush in Cairo, by police officers;

(f) Haitham Fathey Ahmed Al Shandeney, allegedly abducted on 9 September 2016 from his workplace in Nacr city, by police officers;

(g) Shahat Abu Al Hassan Hagag Mahmud, allegedly arrested on 31 August 2016, in the street next to his house in Al Siel Aswan, by police officers;

(h) Wasel Omar Mohamed Mohamed Wasel, allegedly abducted on 19 September 2016 from the "Shebin car position", next to the Shebin El Koum level crossing, by police officers;

(i) Mouslim Moaz Mohamed, allegedly arrested on 21 September 2016 at the Cairo international airport by security officers;

(j) Zaky Mohamed Sayed, allegedly arrested on 9 April 2016 from a restaurant in El Arish street, Faical, Giza, during a police raid;

(k) Sohaib Said Khedr Abdual Motagaly, allegedly abducted on 8 October 2016 from Dayrout court, after his trial during which he was sentenced to one-year imprisonment, by police officers;

(l) Reda Fathey AbdualBaky Ebrahim, allegedly arrested on 10 September 2016 at his home in El Karasy tour, El Mustafa, House No. 4, by security forces;

(m) Atieto Ali Saied Atieto, allegedly abducted on 20 September 2016 from a rented chalet floor on Azza Street, El Buseet area, MarsaMatrouh, by police officers;

(n) Atieto Mohamed Amubarek Abu Ahmed, allegedly abducted on 20 September 2016, from a rented chalet floor, on Azza Street, El Buseet area, MarsaMatrouh, by police officers;

(o) Ehab Salah El Din Attito, allegedly arrested on 17 September 2016 at his house in Mattaryia, by police officers in plainclothes;

(p) Khedr Walaa Shaban Gomaa Ebrahim, allegedly abducted on 17 August 2016 at the Alexandria Burj Al Arab Airport, by police officers;

(q) Abdalrahman Fathy Abdalrahman Khalifa, allegedly arrested on 1 October 2016 at his student housing in Nasr city's 10th district, Cairo, by police and national security agents;

(r) Raid Mohammed Aouis Murtada, allegedly abducted on 23 September 2016 from his workplace in the "European countryside", on the agricultural road of Cairo, Alexandria, by a police officer in plainclothes;

(s) Ismael Abd-alghany Ismael Heibah, allegedly arrested on 9 September 2016 in the street of his college in Albeheirah, by police officers from Nacer city;

Morocco

4. The Working Group transmitted 30 cases to the Government, concerning:

(a) Mailid Brahim Ali Salem, allegedly abducted in January 1976 in the outskirts of Smara, by a group of soldiers of the Moroccan Armed Forces;

(b) Salama Ali Abalechcen, allegedly abducted at the beaning of 1976, from the orchard of a person associated with him in Rafrafa region, near Goulimin, by members of the armed forces and the Royal Gendarmerie;

(c) Mohamed Ahmed Abdellah Mansour, allegedly abducted one day of January 1976 in the region of Lebtana, near Assa, by members of the Royal Armed Forces, the Royal gendarmerie and paramilitary forces from the Moroccan Ministry of Interior;

(d) Hadia Mohamed Mbarec Zaidan, allegedly abducted in July 1976 from his home at Boulevard Lehbib Uld Ballal, Smara, by two gendarmes of the Royal Gendarmerie;

(e) Abdati Mohamed Salem Brahim, allegedly abducted on 10 July 1976 in Smara, by two gendarmes of the Royal Gendarmerie;

(f) El Hufed Hamma Embarec, allegedly abducted in July 1976 from his house in the Rbeib village of Smara, by two gendarmes of the Royal Gendarmerie;

(g) Ali Nayem Fe-cu, allegedly abducted on 10 July 1976 from the outskirts of Smara, by two gendarmes of the Royal Gendarmerie;

(h) Mohamed El Bu El Bachir, allegedly abducted on 12 November 1975 from the village of Jdairia, by a group of soldiers of the 20th Military Battalion;

(i) Ali Salem Bachri Brahim Alamin, allegedly abducted on 10 July 1976 in Smara, by two gendarmes of the Royal Gendarmerie;

(j) Mohamed Fadel El Bachir Sid Ahmed, allegedly abducted in February 1976 in Oued Saguia, El Hamra, by agents of the Royal Gendarmerie;

(k) Mohamed Fadel Jid Ahlou Sid, allegedly abducted on 25 October 1986 in El Aaiun, by military officers;

(l) Moh-Lahmin Mohamed Fadel Cheij, allegedly abducted in July 1976 from his home in Smara, by two gendarmes of the Royal Gendarmerie;

(m) Mohamed Mohamed Mbarek El Almi, allegedly abducted in December 1976 in Rbeib, region of Smara, by individuals in uniforms believed to be members of the Moroccan Armed Forces;

(n) Mohamed-Saleh Ahmed Didi El Bachir, allegedly abducted in November 1975 in Jdairia, by a group of the 20th Military Battalion of the Royal Armed Forces;

(o) Mohamed Salem Salek Belkasem, allegedly abducted in July 1976 from his home in Smara, by two gendarmes of the Royal Gendarmerie;

(p) Mrabih Mohamed Mbarek Sid Ahmed, allegedly abducted in July 1976 from his home in Smara, by two gendarmes of the Royal Gendarmerie;

(q) Bachri Alamin Alamin, allegedly abducted on 10 July 1976 in Smara, by two gendarmes of the Royal Gendarmerie;

(r) Nafii Mailid Ouahman, allegedly abducted in November 1988 in Oued Saguia el Hamra, by Moroccan security officers;

(s) Ali Najem Feku, allegedly abducted from his home, by two gendarmes of the Royal Gendarmerie;

(t) Sid Najem Brahim Ahmed Salem Lemahad, allegedly abducted in 1976 in Tazouta, in the region of Smara, by individuals dressed in uniforms believed to be members of the Royal Armed Forces;

(u) Baali Mustapha Mohamed Eschayer, allegedly abducted in July 1976 in Erbeit, by two gendarmes of the Royal Gendarmerie;

(v) Baba Sidi Omar, allegedly abducted in July 1976 in Oued Saguia, by officers of the Royal Armed Forces;

(w) Brahim-Salem Hmedou Hmaida, allegedly abducted in July 1976 in Amgala, by officers of the Royal Armed Forces;

(x) El Hufed Hamma Embarec, allegedly abducted in July 1976 from his house in the Peseib village of Smara, by two gendarmes of the Royal Gendarmerie;

(y) Salka Bachri Bay, allegedly abducted in 1978 in Marrakech, by individuals in uniform believed to be Moroccan security officers;

(z) Sid Ahmed Babaih, allegedly abducted from his home in Alal Benabdallah street, Smara, by two gendarmes of the Royal Gendarmerie;

(aa) Sid Ahmed Brahim Ahmed Salem Lemouahab, allegedly abducted in Tazouta, in the region of Smara, by individuals in uniforms believed to be Moroccan security officers;

(bb) Yeslem Mohamed Emhaimed, allegedly abducted in July 1976 from his home in Smara, by two gendarmes of the Royal Gendarmerie;

(cc) Haimad Omar Bahia, allegedly abducted in July 1976 in Amgala, by officers of the Royal Armed Forces;

(dd) Hamadi Sidia Mohamed, allegeldy abducted in July 1976 from his home in the Erbeit village, outskirts of Smara, by two gendarmes of the Royal Gendarmerie.

5. In accordance with the methods of work of the Working Group, the Government of the Spain received a copy of the case files.

Pakistan

6. The Working Group transmitted 40 cases to the Government, concerning:

(a) Umer Laal, allegedly arrested from his house on 12 December 2009, by the 55th Field Commander of the Pakistani Rangers.

(b) Rasheed Ahmad, allegedly arrested on 28 April 2011 by members of a secret agency, possibly from the Military Intelligence, the Inter-Services Intelligence or the Central Intelligence Agency.

(c) Shabir Ahmad, allegedly abducted on 3 September 2010, by members of a secret agency, possibly from the Military Intelligence, the Inter-Services Intelligence or the Central Intelligence Agency.

(d) Hakim Ali Kovi, allegedly arrested on 16 June 2011, by members of a secret agency, possibly from the Military Intelligence, the Inter-Services Intelligence or the Central Intelligence Agency.

(e) Naveed Akhtar, allegedly arrested on 17 August 2013, by members of security forces.

(f) Tayyab Rizwan, allegedly arrested from his home on 11 April 2011, by member of a secret agency, possibly from the Military Intelligence, the Inter-Services Intelligence or the Central Intelligence Agency.

(g) Kaleem Ullah, allegedly abducted from the Hayat Medical Complex on 17 June 2012, by members of a secret agency, possibly from the Military Intelligence, the Inter-Services Intelligence or the Central Intelligence Agency.

(h) Umer Ali, allegedly abducted from the Dera Ismail Khan Multan Road Mara Bazar on 29 November 2012, by members of a secret agency, possibly from the Military Intelligence, the Inter-Services Intelligence or the Central Intelligence Agency.

(i) Muhammad Madni, allegedly abducted from his home on 29 May 2012, by members of a secret agency, possibly from the Military Intelligence, the Inter-Services Intelligence or the Central Intelligence Agency.

(j) Rahim Dad Khan, allegedly abducted from his home on 20 April 2010, by members of a secret agency, possibly from the Military Intelligence, the Inter-Services Intelligence or the Central Intelligence Agency.

(k) Muhammad Zakria, allegedly abducted from his home on 11 March 2015, by members of a secret agency, possibly from the Military Intelligence, the Inter-Services Intelligence or the Central Intelligence Agency.

(l) Muhammad Waqas Shah, allegedly abducted from his home on 25 February 2016, by members of a secret agency, possibly from the Military Intelligence, the Inter-Services Intelligence or the Central Intelligence Agency.

(m) Farooq Umer, allegedly abducted from the airport of Islamabad on 9 September 2016, by members of a secret agency, possibly from the Military Intelligence, the Inter-Services Intelligence or the Central Intelligence Agency.

(n) Hafiz Basheer Ahmad, allegedly abducted from Jam a Masjid Tauosa Sharif on 12 March 2016, by members of a secret agency, possibly from the Military Intelligence, the Inter-Services Intelligence or the Central Intelligence Agency.

(o) Tariq Saleem, allegedly abducted from his home on 26 March 2016, by members of a secret agency, possibly from the Military Intelligence, the Inter-Services Intelligence or the Central Intelligence Agency.

(p) Huzaifa, allegedly abducted from Shaw Manuwar Madrisa Awabi on 23 June 2016, by members of a secret agency, possibly from the Military Intelligence, the Inter-Services Intelligence or the Central Intelligence Agency.

(q) Sajid Javed, allegedly abducted on the way to Lahore from Islamabad on 12 August 2016, by members of a secret agency, possibly from the Military Intelligence, the Inter-Services Intelligence or the Central Intelligence Agency.

(r) Syer Abdul Salam Zaidi, allegedly abducted from his home on 18 May 2016, by members of a secret agency, possibly from the Military Intelligence, the Inter-Services Intelligence or the Central Intelligence Agency.

(s) Muhammad Niaz, allegedly abducted from his home on 28 April 2016, by members of a secret agency, possibly from the Military Intelligence, the Inter-Services Intelligence or the Central Intelligence Agency.

(t) Abdul Ghafar, allegedly abducted from his home on 23 February 2016, by members of a secret agency, possibly from the Military Intelligence, the Inter-Services Intelligence or the Central Intelligence Agency.

(u) Muhammad Muavia, allegedly abducted from his home on 5 February 2016, by members of a secret agency, possibly from the Military Intelligence, the Inter-Services Intelligence or the Central Intelligence Agency.

(v) Molana Shalim, allegedly abducted from his home 27 August 2016, by members of a secret agency, possibly from the Military Intelligence, the Inter-Services Intelligence or the Central Intelligence Agency.

(w) Mr. Adeem Sartaj, allegedly abducted from Karachi on 9 May 2016, by members of a secret agency, possibly from the Military Intelligence, the Inter-Services Intelligence or the Central Intelligence Agency.

(x) Mr. Farooq Alam Khan, allegedly abducted from the National Police Foundation in Islamabad, on 18 January 2016, by members of a secret agency, possibly from the Military Intelligence, the Inter-Services Intelligence or the Central Intelligence Agency.

(y) Saad Ullah Jaan, allegedly abducted from Khyber super market on 25 July 2016, by members of a secret agency, possibly from the Military Intelligence, the Inter-Services Intelligence or the Central Intelligence Agency.

(z) Roob Allah, allegedly abducted from Nawagai Tehsil & District Bajaur Agency on 28 March 2015, by members of a secret agency, possibly from the Military Intelligence, the Inter-Services Intelligence or the Central Intelligence Agency.

(aa) Elahi Bux, allegedly abducted from his home on 31 January 2016, by members of a secret agency, possibly from the Military Intelligence, the Inter-Services Intelligence or the Central Intelligence Agency.

(bb) Adil Zafar Syed, allegedly arrested from his home on 28 October 2015, by members of the Sindh Police

(cc) Shahnawaz Khan, allegedly arrested from his home on 15 November 2015, by ranger officials

(dd) Muhammad Naeem, allegedly arrested from his home on 17 November 2015, by ranger officials.

(ee) Mohammad Riyasatullah, allegedly arrested from Nazimabad Flyover Bridge on 18 November 2015, by uniformed ranger officials, together with a person who was later released.

(ff) Tariq Qureshi Muhammad, allegedly arrested on 29 November 2015, at the election office of the Muttahida Quami Movement in the Ramswami Area, by uniformed rangers and officials dressed in civilian clothing.

(gg) Abid Hussain, allegedly abducted on 7 November 2015 by security forced believed to be military forces, near the Kidney Hospital in Muslimabad.

(hh) Mian Ishaaq Syed, allegedly abducted from his home on 23 November 2015, by more than a dozen members of the military.

(ii) Kashif Khan, last seen in January 2016 at the Ghalanai Frontier Corps Camp in Mohmand Agency, FATA.

(jj) Rashid Khan, allegedly arrested from his home in the Village of Shamnaal on 18 February 2015, during a search operation conducted by the army.

(kk) Zeeshan Mohammad, allegedly arrested on 3 July 2015, by members of the Inter-Services Intelligence (ISI).

(ll) Mr. Zakirullah, allegedly abducted on 19 September 2016, by uniformed men believed to be from the Pakistani army, near Saddar Road, Peshawar.

(mmm) *Zahid Khan*, allegedly arrested on 29 November 2016, from Sardar Ahmad Jan Colony, Ring Road, Peshawar, by uniformed soldiers from the Pakistan army.

(nnn) Mohammad A.com, allegedly abducted from Turbat international airport on 20 April 2016, by members of the Frontier Corps.

Sri Lanka

7. The Working Group transmitted 36 cases to the Government, concerning:

(aaa) Krishnapakulan Nagarasa, allegedly last seen on 18 May 2009, after having surrendered at the Vattuvakkal Sri Lanka Army post.

(bbb) Nirmala Arnolam Arumainayagam, allegedly arrested in May 2009, by the Navy in the Pesalai sea area.

(ccc) Mukunthan Thangavelmadali, allegedly last seen on 17 May 2009, after he surrendered to the Sri Lanka Army.

(ddd) Pavithran Navaratnam, allegedly last seen on 22 May 2009, at the Sri Lanka Army checkpoint at Omanthai, Vavuniya District, Northern Province, Sri Lanka.

(eee) Ananda Mamagama, allegedly last seen on 1 December 1989, and believed o be detained by security forces due to his affiliation to Janatha Vimukthi Peramuna (JVP).

(fff) Manuel Balasundaram, allegedly abducted on 13 April 2009, by the Sri Lankan Army.

(ggg) Debsily Premadas, allegedly abducted on 24 April 2009, by the Sri Lankan Army.

(hhh) Sivagami Sabar, allegedly abducted on 19 May 2009, by the Sri Lankan Army.

(iii) Gnanachavam Arumugam, allegedly abducted on 20 December 2008, by the Sri Lanka Special Task Force.

(jjj) Kishorkumar Kugathasan, allegedly abducted from his home on 8 September 2008, by unidentified armed persons working on behalf of the Sri Lankan Naval Forces, who took him away in a white van.

(kkk) Manoharan Selvanayagam, allegedly arrested on 14 May 2009, by Sri Lankan police officers.

(lll) Sathasivam Sivasthambi, allegedly detained on 28 November 2007, by paramilitary members of the "Karuna Group".

(mmm) Subarajitha Sundaralingam, allegedly abducted on 17 May 2009, by soldiers from the Sri Lanka Army.

(nnn) Kokiladevi Velayutham, allegedly disappeared on 26 March 2009, after she surrendered to the Sri Lankan military at Vaddugagal, Mullaitheivu.

(ooo) Gowsalya Nagarathan, allegedly last seen on 22 May 2010 at the Boosa detention Centre (Block-A).

(ppp) Rajeswary Nallathambi, allegedly abducted on 11 June 2009, by two members of the Sri Lankan security forces, who took her away in a white van.

(qqq) Pirakalathan Periyasamy, allegedly abducted on 21 March 2009, by members the Sri Lankan Special Task Force.

(rrr) Pradeepa Rasadurai, allegedly las seen on 15 May 2009, in the military controlled area in Vattuvaka.

(sss) Iruthehanan Rasaiah, allegedly last seen on 22 June 2009, when he was admitted to the Vavuniya General Hospital.

(t) Iyngaran Selvarasa, allegedly abducted on 3 September 2006, by unidentified armed individuals believed to be from the police or from the army, who took him away in a white van.

(u) Arulraj Croos Soosaiyappu, allegedly abducted on 9 December 2005, by the Sri Lankan Army.

(v) Anthony Fernando Thommai Fernando, allegedly abducted on 2 October 2009, by the Sri Lankan Army.

(w) Sasecharan Kanagan, allegedly abducted on 24 June 2006, by members of the Sri Lankan Army and of the Eelam Peoples' Democratic Party (EPDP) paramilitary group.

(x) Akaliyan Pathmanathan, allegedly abducted on 16 March 2009, by members of the Sri Lanka Army.

(y) Rasaranjithan Rajitha, allegedly last seen on 3 June 2009, in the Padaviya Hospital (Trincomalee District, Eastern Province).

(z) Thivakaran Maheswaran, allegedly arrested on 18 May 2009, after having surrendered to the Sri Lanka Army.

(aa) Sathiyakala Kathirgamanathan, allegedly abducted on 22 February 2009 by the Liberation Tigers of Tamil Eelam (LTTE), and held after the war at a detention facility run by the Sri Lanka Government in the Vavuniya District.

(bb) Yogenderan Yoshan, allegedly arrested on 03 May 2009, by the Sri Lanka Civilian Police.

(cc) Antrainas Logu Arulappu, allegedly abducted on 16 March 1986, by the Sri Lanka Army.

(dd) Arunan Suntharalingam, allegedly last seen on 18 May 2009, at the Vattuvakal Sri Lanka Army post.

(ee) Kulendran Murugaiyah, allegedly abducted on 9 September 2006, by members of the Liberation Tigers of Tamil Eelam (LTTE), but reportedly then in the custody of the Sri Lankan Army.

(ff) Juderaj Stanley Mohanraj, allegedly last seen on 18 May 2009 after he surrendered to the Sri Lanka Army.

(gg) Kugenthran Balasingham, allegedly last seen on 18 May 2009, after he surrendered to the Sri Lanka Army.

(hh) Bravo Damiyan Joseph Anthonythasan, allegedly abducted on 8 March 2009 by members of the Liberation Tigers of Tamil Eelam (LTTE), and then reportedly abducted by the Sri Lankan Army after the end of the war in May 2009.

(ii) Kajenthini Subramaniyam, allegedly abducted on 27 February 2009, by members of the Liberation Tigers of Tamil Eelam (LTTE), and then reportedly abducted by the Sri Lankan Army after the end of the war in May 2009.

(jj) Nagaratnam Sutharsan Kannan, allegedly last seen 17 May 2009, after he surrendered to the Sri Lanka Army.

Annex III

General allegations

Kenya

1. The Working Group received information from credible sources alleging obstacles encountered to implement the Declaration on the Protection of All Persons from Enforced Disappearance in Kenya.

2. According to such sources, 24 Kenyan citizens were arrested by Kenyan police officers between 2012 and November 2016 in the Coastal region of Kenya. Since then, their whereabouts remain unknown, which would show a pattern of enforced disappearances in Kenya.

3. The sources reported that available evidence on extrajudicial killings and enforced disappearances on the Kenyan Coast suggests that the vast majority of the alleged perpetrators are officers from counterterrorism or other specialized police units. In particular, the Kenyan Antiterrorism Police Unit (ATPU), a unit that reportedly operates outside regular police command hierarchies, is allegedly involved.

4. It was reported that these enforced disappearances of alleged terror suspects are targeting in particular Muslims and vulnerable groups within Kenyan society. In other cases, Kenyan authorities were reportedly failing to provide families with a reason for the arrest or the criminal charges.

5. According to the sources, several weeks before disappearing on 26 June 2012, four out of the 24 disappeared individuals had told persons associated with them that the ATPU was threatening them.

6. When relatives reported their disappearance to the Likoni Ferry Police Post officers did not respond and appeared unconcerned, even though the men were abducted nearby. A duty officer at Likoni Ferry Police Post advised the relatives to look for their bodies in the mortuary, as police had reportedly shot them.

7. The sources also reported that the bodies of the four individuals were never found. On 30 June 2012, persons associated with the disappeared individuals gave statements at the Nyali police station, near Kisauni, Mombasa, where the four had been staying but the police did not respond.

8. During court proceedings in the Machakos bus station bombing case, the sources reported that the prosecutor indicated that two of those individuals had fled Kenya to avoid prosecution and that the authorities had not pursued any further investigations.

9. The sources further observed that these enforced disappearances contribute to a climate of state- sanctioned violence and impunity, merely adding to national insecurity, as well as create a climate of fear, notably for young Muslim men.

10. According to the sources, the excessive use of force, killings and enforced disappearances constitute unlawful acts by state law enforcement officials that remain uninvestigated and unpunished so far by the state.

Mexico

General allegation sent on 10 April 2017

11. The Working Group received information from credible sources alleging obstacles encountered to implement the Declaration on the Protection of All Persons from Enforced Disappearance in Mexico.

12. De acuerdo con las fuentes, en el derecho mexicano existen diferentes vías y mecanismos a nivel estatal y federal para obtener la asistencia o la reparación del daño cuando ocurre una violación de los derechos humanos. Estas vías y mecanismos aplicarían tanto en casos de desaparición forzada, como en casos de desaparición cometidas a manos de particulares. Si la violación se considera un delito, la vía penal tiene como uno de sus fines la reparación del daño; si se acredita en el marco de una investigación sobre una violación de los derechos humanos, las recomendaciones emitidas por la Comisión Nacional de Derechos Humanos e instituciones similares de cada Estado, tienen facultades para determinar o solicitar a las autoridades tanto medidas de asistencia como recomendar medidas de reparación. Existe también el sistema de víctimas creado a partir de la Ley General de Víctimas (LGV) y de las correspondientes Leyes de Víctimas a nivel estatal, donde se establecen medidas de asistencia, atención, apoyo y reparación integral. Finalmente, se encuentran las vías jurisdiccionales como el recurso de amparo y la Ley Federal de Responsabilidad patrimonial del Estado, cuyos efectos para reparar a las víctimas de desaparición son limitados.

13. De acuerdo con las fuentes, y con base en su experiencia directa, a pesar de la existencia de estos mecanismos no se ha documentado un solo caso en el que las víctimas hayan recibido medidas de reparación integral. Las fuentes reportan, específicamente, las siguientes deficiencias:

14. La Comisión Nacional de los Derechos Humanos (CNDH)

15. La Comisión Nacional de los Derechos Humanos (CNDH) está facultada para dictar medidas de reparación del daño en sus recomendaciones. Sin embargo, la legislación aplicable no establece procedimientos claros y definidos que deben seguir las autoridades responsables para cumplir con la recomendación, y en específico, las vías que deben agotar las víctimas para obtener la reparación integral del daño. Asimismo, la Ley de la CNDH no establece los estándares mínimos que debe seguir esta institución al momento de ordenar la reparación a favor de las víctimas de graves violaciones de los derechos humanos.

16. Más allá de los vacíos legales en materia de asistencia y reparación del daño para la CNDH y las comisiones estatales, lo que perciben las fuentes es una falta de voluntad para tratar de aplicar estándares internacionales y lo establecido en la Ley General de Víctimas. El hecho de que la CNDH no quiera incorporar en sus investigaciones y recomendaciones medidas de asistencia, atención, apoyo y reparación integral para las víctimas y que, en los reducidos casos en los que se hace, no las determine necesariamente tras consensuarlas con las víctimas, reflejaría una ausencia de voluntad política. Preocupa a las fuentes, que siendo la institución que debería ser el referente en esta materia, su labor haya sido muy limitada.

17. Preocupa también el papel que el Poder Judicial ha tomado frente las solicitudes de amparo presentadas por algunas víctimas. El carácter no vinculante de las recomendaciones de la CNDH permite que el cumplimiento de las mismas por parte la autoridad responsable, también en lo que concierne a las medidas de reparación, no esté sometido a control constitucional.

18. La responsabilidad patrimonial del Estado como vía para obtener indemnización para víctimas de desaparición

19. La Ley Federal de Responsabilidad Patrimonial del Estado (LFRPE) reconoce el derecho de las víctimas a la indemnización por los daños sufridos a causa de la actividad irregular del Estado. La víctima debe acudir ante tribunales administrativos, probar el daño sufrido, la existencia de la actuación irregular por parte de agentes estatales y la existencia de un nexo de causalidad entre ambos. De acuerdo con la LFRPE, cualquier ente público federal del Poder Judicial, Legislativo y Ejecutivo, con excepción de la CNDH, está sometido a responsabilidad patrimonial del Estado. Por esta vía son reclamables las indemnizaciones ordenadas en los fallos de la Corte Interamericana de Derechos Humanos, y las recomendaciones de la CNDH y de la Comisión Interamericana de Derechos Humanos.

20. Cabe señalar que, en casos de desaparición forzada de personas, la responsabilidad patrimonial del Estado se limita a la indemnización a favor de la víctima por la participación de agentes estatales en la desaparición del familiar, dejando a un lado el resto

de medidas que componen la reparación integral a la víctima, tales como restitución, rehabilitación, satisfacción y garantías de no repetición. En la práctica, las víctimas de graves violaciones de los derechos humanos no recurren de manera usual a esta vía, sobre todo porque requiere asistencia legal, y esto conllevaría gastos que muchas víctimas no pueden asumir. Asimismo, para los familiares de personas desaparecidas la indemnización económica por sí sola no puede considerarse una medida de reparación adecuada y suficiente.

21. El juicio de amparo como vía para obtener reparación para víctimas de desaparición

22. El juicio de amparo permite el control constitucional de los actos u omisiones de autoridades judiciales y no judiciales. De acuerdo con la Ley de Amparo los efectos del amparo son únicamente de carácter restitutivo, cuando esto resulte factible.

23. Los alcances de los efectos contemplados en la Ley de Amparo han sido sometidos a interpretación de la SCJN. Inicialmente, la SCJN reconoció que el juicio de amparo permitía otro tipo de medidas de reparación además de las de restitución, como por ejemplo en el amparo en revisión 554/2013, en el que la SCJN reconoció irregularidades y encubrimiento por parte de las autoridades ministeriales en un caso de feminicidio. Sin embargo, en el amparo en revisión 207/2016 la SCJN determinó que el juicio de amparo sólo permitía como medida de reparación la restitución y no otro tipo de medidas, como las garantías de no repetición con efectos estructurales, ni medidas de satisfacción, como una disculpa pública, ni el pago de indemnizaciones. Por lo tanto, la SCJN despojó al juicio de amparo de la capacidad reparadora. Este último criterio ha sido sustentado en varios precedentes, que aunque no son jurisprudencia, muestran el ánimo unánime de los ministros y las ministras de la SCJN. De acuerdo con las fuentes, la actual línea de interpretación escogida por la SCJN no es conforme a los criterios del derecho internacional de los derechos humanos y, de todas maneras, desalienta a las víctimas de desaparición a que utilicen el recurso de amparo, porque saben de antemano que no se les otorgaría una reparación integral por el daño sufrido.

24. En casos de desaparición, las fuentes han encontrado que la vía del amparo no ha sido útil para lograr la reparación ni para lograr frenar las violaciones. El juicio de amparo no está diseñado normativamente para ser un verdadero juicio de derechos humanos, por lo cual se limita su alcance como garantía constitucional. Esta situación se torna aún más crítica con la interpretación de la SCJN en el sentido de afirmar que el juicio de amparo no tiene el alcance para lograr la reparación integral para las víctimas, sino solamente es capaz de ordenar medidas netamente restitutivas cuando el caso lo permita.

25. La Ley General de Víctimas y la Comisión Ejecutiva de Atención a Víctimas

26. La Ley General de Víctimas (2013) constituye el marco jurídico principal para atención a víctimas de graves violaciones de los derechos humanos, incluso de desaparición forzada, y sus familiares. La LGV obliga a toda autoridad, en el marco de sus competencias, a proporcionar medidas de asistencia social y de reparación.

27. Si bien la Ley General de Víctimas consagra una definición amplia de la noción de víctima, su interpretación y sus normas, así como los métodos de trabajo y directrices adoptadas por el mecanismo encargado de garantizar su aplicación (la Comisión Ejecutiva de Atención a Víctimas — CEAV), son mucho más restrictivos y, en la práctica, conducen a la exclusión de varias personas de los derechos consagrados en la ley. Se informa que la labor de la CEAV también se ha visto paralizada por retrasos en la financiación, en la adopción de reglamentos internos, y en el nombramiento (y reelección) de sus comisionados. De acuerdo con las fuentes, los comisionados de la CEAV han interpretado restrictivamente el mandato de la Comisión, lo que ha impedido el registro de muchas víctimas de desaparición, haciéndolas así inelegibles para recibir asistencia monetaria. Por ejemplo, varias víctimas reportan dificultades prácticas para inscribir sus nombres en el Registro Nacional de Víctimas (RENAVI).

28. Se reporta que hasta la fecha, la CEAV no ha cumplido de manera adecuada y eficaz su mandato: en varios casos los funcionarios no han demostrado su disposición o capacidad para atender adecuadamente a las víctimas y sus familias. Se reportan situaciones

frecuentes de re-victimización, incluyendo tratos denigrantes, o la provisión de información inexacta que, en la práctica, ha impedido a las víctimas el goce de sus derechos.

29. Hasta la fecha, las fuentes no tienen conocimiento directo de ningún caso en el que las víctimas obtengan la reparación integral según lo dispuesto en la Ley General de Víctimas. La compensación depende de la existencia de una orden formal emitida por una autoridad judicial o por un mecanismo de derechos humanos. Posteriormente, la víctima debe presentar una nueva solicitud al CEAV para obtener la indemnización. Se trata de un procedimiento excesivamente formal y complicado que impone a las víctimas cargas procesales que a menudo no pueden solventar y que está limitado únicamente a la indemnización. No hay claridad en cuanto al procedimiento a seguir para obtener otras medidas de reparación, tales como rehabilitación, satisfacción y garantías de no repetición.

30. El reconocimiento como víctima y el registro como tal en el RENAVI son condiciones previas indispensables para tener acceso a cualquier medida de asistencia social y reparación. Se han reportado la pérdida de archivos, errores en el llenado de formularios, la imposición de requisitos burocráticos y formales que no están explícitamente establecidos en la legislación aplicable. Cabe destacar que el número exacto de víctimas de desaparición registradas en el Registro Nacional de Víctimas es actualmente desconocido.

31. De acuerdo con las fuentes, las y los familiares de personas desaparecidas que tienen acceso a algún tipo de asistencia social, lo han logrado con base en su propia iniciativa y perseverancia, ya que el marco jurídico e institucional vigente es complicado y difícil de navegar. Por ejemplo, si con gran sacrificio los familiares adelantan los gastos de algún tipo de apoyo (por ejemplo gastos médicos o gastos de transporte y entierro) y luego solicitan el reembolso al que tienen derecho de conformidad con la LGV, comúnmente se les mantiene esperando durante meses, o se les niega la cobertura de estos gastos.

32. En su informe de seguimiento a las recomendaciones hechas por el Grupo de Trabajo tras su visita a México en marzo de 2011 (A/HRC/30/38/Add.4), el Grupo de Trabajo expresó su satisfacción por la emisión de la Ley General de Víctimas. Sin embargo, lamentó que no se haya brindado una sola reparación a víctimas del delito de desaparición forzada por parte de la CEAV. El Grupo de Trabajo también expresó su preocupación por el escaso número de víctimas de desaparición forzada que se albergan en el RENAVI. Por lo anterior, el Grupo de Trabajo instó al Estado a que tome medidas efectivas con el objetivo de que todas las víctimas de desaparición forzada tengan igual derecho a la reparación y que los familiares y a las asociaciones de familiares reciban el respaldo necesario para el desempeño de sus tareas.

33. Vinculado también a la provisión de asistencia social y reparaciones a las víctimas, se encuentra el tema de la declaración de ausencia por desaparición forzada. A nivel federal, la legislación vigente no contiene esta figura, que pudiera regular la situación legal de las personas desparecidas con respecto a cuestiones financieras, derecho familiar o derechos de propiedad. En unos cuantos Estados existe legislación al respecto, sin embargo, los procedimientos para obtener tales certificados suelen ser largos y excesivamente complicados, y los funcionarios públicos aún no están familiarizados con ellos.

34. Finalmente, las fuentes informan que todos los obstáculos anteriormente descritos se presentan también para familiares de personas migrantes desaparecidas en México, sobre todo en el caso de que residan en otros países. Sin embargo, la condición de especial vulnerabilidad que caracteriza esta población, hace que tengan que enfrentarse a obstáculos y dificultades prácticas adicionales. Las y los familiares de personas migrantes desaparecidas enfrentan obstáculos para acceder a medidas de asistencia social adecuadas y que tomen debidamente en cuenta las peculiaridades de la situación de las personas migrantes, particularmente por parte de la CEAV.

35. Cabe destacar que todo lo que se relata en esta alegación general concierne tanto a víctimas de desaparición forzada como a víctimas de desaparición perpetrada por particulares. Sin embargo, en México se presentan una serie de circunstancias que no permiten descartar la participación de agentes estatales o la existencia de formas de apoyo, tolerancia o aquiescencia por parte del Estado en las desapariciones cometidas por particulares. Al no cumplir el Estado con su obligación positiva de prevenir e investigar de

manera eficaz los casos, no es posible determinar con certeza la participación — directa o indirecta — de agentes del Estado en la conducta delictiva. Sin embargo, existe un contexto en el que se han identificado patrones criminales que señalan a funcionarios involucrados con el crimen organizado. Las fuentes sostienen que, el fracaso sistemático de México para investigar las desapariciones cometidas por algunos grupos criminales, crean un clima de impunidad que equivale a la tolerancia de dichos crímenes, lo que sería suficiente para que dichas desapariciones sean considerados como desapariciones forzadas.

36. En este sentido, en el citado informe de seguimiento de su visita a México (A/HRC/30/38/Add.4), el Grupo de Trabajo se refirió a la impunidad generalizada como un patrón crónico que favorece la perpetración de las desapariciones forzadas, y llamó al Estado a que se adopten medidas efectivas de prevención y combate a la impunidad.

General allegation sent on 9 June 2017

37. De acuerdo con información recibida, de enero de 2007 a septiembre de 2016, los órganos de justicia de los estados de la Federación informaron a la Comisión Nacional de Derechos Humanos (CNDH) haber localizado 855 fosas clandestinas, de las que se exhumaron 1548 cadáveres, habiéndose identificado a 796 de ellos. En paralelo, cuatro estados, Coahuila, Colima, Nuevo León y Veracruz informaron haber exhumado un total de 35958 restos óseos y/o humanos. Esta información, colectada por la CNDH en su informe sobre Desaparición de personas y fosas clandestinas en México, no incluye fosas halladas en 14 de los estados que, o bien señalaron no contar con ningún antecedente que aportar o que omitieron directamente el pedido de colaboración realizado.

38. Por otra parte, en el mismo informe se señala que un relevamiento hemerográfico correspondiente al mismo período dio como resultado la existencia de 1143 fosas clandestinas y la exhumación de 3230 cadáveres y/o restos humanos, es decir que amplía la cantidad de fosas informadas oficialmente.

39. Si bien el hallazgo de fosas clandestinas tiene la potencialidad de abrir un camino hacia el hallazgo de los restos de miles de personas desaparecidas en el territorio de México y por lo tanto de brindar un alivio a los familiares que los buscan de manera desesperada desde que fueran privados de su libertad, el mismo informe destaca que estos hallazgos se dan en un contexto de deficiencias estructurales en las instituciones y mecanismos del estado que podrían coadyuvar a la identificación.

40. En este sentido, la CNDH relevó una muestra de 100 investigaciones ministeriales relacionadas con la desaparición de personas entre 2009 y 2015, de la que concluye que las pesquisas se llevan adelante con una "preocupante falta de exhaustividad en la investigación de los hechos y en la búsqueda y localización de las víctimas por el Ministerio Público", y que se detectaron irregularidades en las investigaciones al no realizarse indagatorias prontas, exhaustivas e imparciales.

41. De acuerdo a este mismo informe, se destaca la carencia de registros integrales y centralizados para poder medir la magnitud del problema, ya que de las cifras oficiales colectadas por el Registro Nacional de Datos de Personas Extraviadas o Desaparecidas, no se podría determinar aun con certeza cuántos casos serían propiamente desapariciones forzadas imputables a autoridades estatales que hubieren obrado de manera directa o mediante apoyo o aquiescencia, cuáles serían responsabilidad de particulares, de la delincuencia organizada o de otras causas.

42. Adicionalmente, la información recibida destaca también la carencia de una base de datos genéticos única, que podría permitir eventualmente la identificación de muchos de los restos hallados en las fosas clandestinas y que aún no han sido identificados.

43. Siempre según la fuente, a este contexto se sumaría la falta de profesionalización de los servidores públicos encargados de procesar y reportar la información, así como de aquellos encargados de investigar los casos y realizar las tareas de búsqueda, tanto a nivel local como federal.

44. En su informe de seguimiento de su visita a México (A/HRC/30/38/Add.4), el Grupo de Trabajo destacó que "en la mayor parte del territorio las medidas implementadas son notoriamente insuficientes particularmente para la búsqueda y localización de personas

cuyo paradero se desconoce a consecuencia de la comisión de un delito, incluyendo el de desaparición forzada", e instó al estado para que el Sistema Nacional de Búsqueda de Personas Desaparecidas cumpla con los parámetros de sus recomendaciones, así como lo observado por otros organismos internacionales (par. 21). Asimismo, lamentó en esa misma oportunidad que no se hayan seguido sus recomendaciones en materia de investigaciones forenses. (par. 24.)

45. El Grupo de Trabajo ha tomado nota de distintas políticas llevadas adelante por el Estado en relación con la búsqueda de las personas desaparecidas. En este sentido, se pueden mencionar el acuerdo para avanzar en un Registro Nacional de Fosas Clandestinas, la aprobación del "Protocolo homologado para la búsqueda de personas desaparecidas y la investigación del delito de desaparición forzada de personas", el proceso para la implementación de la Base de Datos AM/PM y la creación de la Fiscalía Especializada de Búsqueda de Personas Desaparecidas.

46. Sin perjuicio de ello, de acuerdo a la fuente, se trata de medidas que no han modificado aun en la práctica la situación descripta.

47. Por otro lado, el Grupo de Trabajo ha tomado nota con satisfacción de la aprobación por el Senado del proyecto de Ley General en Materia de Desaparición Forzada de Personas, Desaparición Cometida por Particulares y del Sistema Nacional de Búsqueda de Personas, que pretende sentar las bases normativas, entre otras cosas, para la búsqueda de las personas desaparecidas. Ello sin perjuicio de que ha relevado una serie de críticas de distintas fuentes fiables, en particular en lo que hace al Sistema Nacional de Búsqueda.

Myanmar

48. The Working Group received information from credible sources concerning reported obstacles encountered in the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance in Myanmar.

49. The sources report that hundreds of Rohingya have been detained as part of security operations in northern Rakhine State, Myanmar, and that some of them are considered victims of enforced disappearances.

50. According to sources, a Rohingya militant group attacked border police outposts on 9 October 2016 in northern Rakhine State, and nine border police officers were reportedly killed during the attacks. The sources argue that Myanmar security forces responded by launching a major security operation, conducting "clearance operations" and sealing the area, effectively barring humanitarian organizations, media and independent human rights monitors from entering. The sources report that a wide range of human rights violations were committed during the operations by the security forces against the Rohingya including enforced disappearances. They argue that these violations appear to be part of a widespread and systematic attack against the Rohingya population which may amount to crimes against humanity.

51. According to the sources, 485 people had been arrested in January only, and, on 19 February, 585 people had been reportedly arrested, among whom 39 are "facing trial for killing people, destroying public property and communicating with illegal organizations" while the others remain under investigation. The sources allege that most of those arrested during the operations are held at the Buthidaung prison in Rakhine State, and that an unknown number among them have not been in communication with their families since being arrested. The sources point out that the OHCHR report issued on 3 February also raises concerns about enforced disappearances noting that out of the 205 people interviewed, 45% reported to have a family member missing after they were taken away by Myanmar security forces.

52. The sources mention that the security forces arrested, as part of the operation, village leaders, business owners, religious leaders, Arabic teachers as well as ordinary villagers, and that there are thirteen arrested children including some as young as 10 years old. The testimonies collected by the sources demonstrate that there are people who failed to return home after being summoned to security force headquarters, and that some relatives do not

know where their loved ones are being detained, what they have been charged with, or whether they have access to a lawyer.

53. The sources also report that those who speak out about the violations in Rakhine State also risk arbitrary arrest and other reprisals. According to sources, the authorities have intimidated and threatened villagers who have tried to speak out about the situation, and some individuals have fled to Bangladesh after recounting security force abuse to media and others. In Bangladesh, refugees and asylum-seekers also face the threat of arrest and deportation, and disclosure of their identity and the identities of their loved ones can still place them at risk. The sources request immediately disclose the fate and whereabouts of all individuals detained during the security operations in northern Rakhine State and ensure that they are treated humanely, allowed prompt and regular access to their families, lawyers of their own choosing and adequate medical care.